

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FNU LNU a/k/a CRUZ M. RAMOS

Petitioner

-v-

No. 06 CR 172-LTS
16 CV 4499-LTS

UNITED STATES OF AMERICA,

Respondent.

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ORDER

The Court has received an application for compassionate release from Petitioner FNU LNU a/k/a Cruz M. Ramos (“Mr. Ramos”), dated May 21, 2020. (See case no. 06-cr-172, docket entry no. 322; case no. 16-cv-4499, docket entry no. 9.) On January 19, 2011, Mr. Ramos was sentenced principally to 348 months of imprisonment, followed by 12 years of supervised release. (See case no. 06-cr-172, docket entry no. 253.)

Mr. Ramos requests the Court grant him compassionate release under the CARES Act § 12003(b)(2)¹ and 18 U.S.C. § 3582(c)(1)(A) “due to the high risk of contracting COVID-19 in his B.O.P. facility[,]” FCI Fort Dix, and because “he severely suffers, and is being treated, from [sic] acute kidney condition(s).” Mr. Ramos’ application for compassionate release is denied without prejudice in light of Mr. Ramos’ failure to: (1) provide specific medical information pertaining to the alleged risk; and (2) apply in the first instance to the warden of his

¹ Mr. Ramos’ reference to compassionate release under the CARES Act § 12003(b)(2), which authorizes limited pre-release home confinement, is misplaced. To the extent Mr. Ramos is seeking temporary home confinement, such an application is within the jurisdiction and discretion of the Bureau of Prisons, not the Court. Therefore, the Court construes his application to be exclusively pursuant to 18 U.S.C. § 3582(c)(1)(A).

facility and pursue exhaustion of Bureau of Prisons (“BOP”) administrative remedies until the earlier of exhaustion of those remedies or 30 days from the date on which he made his application to the warden. (See 18 U.S.C. § 3582(c)(1)(A).) To the extent Mr. Ramos seeks release pursuant to administrative programs instituted by the BOP and the Department of Justice in response to COVID-19, Mr. Ramos must apply to the BOP, as the courts do not have authority to grant release under such programs.

This order resolves case no. 06-cr-172, docket entry no. 322 and case no. 16-cv-4499, docket entry no. 9

Dated: New York, New York
June 1, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

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